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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,997	08/22/2001	Kenneth E. Flick	58057	9106

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EXAMINER

ZEWDU, MELESS NMN

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 05/12/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/934,997

Applicant(s)

FLICK, KENNETH E.

Examiner

Meless N Zewdu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) 33-64 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-24 and 26-32 is/are rejected.
- 7) ☒ Claim(s) 3 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7.
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. 9.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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### **DETAILED ACTION**

1. This action is the first on the merit of the instant application.
2. Claims 1-64 are pending in the instant application.
3. Claims 1-32 are pending in this application after applicant withdrew claims 33-64 from further consideration as a result of Election/Restriction requirement (see below).

### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-32, drawn to program control, classified in class 455, subclass 418.
- II. Claims 33-46, drawn to integration with other devices, classified in class 455, subclass 556.1.
- II. Claims 47-64, drawn to security, classified in class 455, subclass 410.

The inventions are distinct, each from the other because of the following reasons:

Inventions of groups I, II and III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the function of remote programming (group 1) or integrating a mobile phone with other devices (group II) is not required by the security function of group III or vice versa. The subcombination has separate utility such as remote programming could used for programming other devices other than a communication controller installed in a vehicle; integration of a mobile phone can be with, for example a PDA, or a laptop; and security protection can be used for other device like clothing, luggage etc.

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During a telephone conversation with Regan, Christopher F. (34,906) on 3/17/04 a provisional election was made without traverse to prosecute the invention of group I, claim 1-32. Affirmation of this election must be made by applicant in replying to this Office action. Claims 33-64 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinzon (US 6,161,005) in view of Christenson (US 5,933,090).

**As per claim 1:** a vehicle remote control system to be operated directly via a cellular telephone without using intervening cellular communications infrastructure, the cellular telephone comprising an input device and a transmitter for transmitting signals relating to a command code entered from the input device and a unique identification code for the cellular telephone reads on '005 (see col. 2, lines 61-65; col. 5, lines 9-15). the vehicle remote control system comprising:

a receiver positioned at the vehicle for receiving signals directly from the cellular telephone without using intervening cellular communications infrastructure reads on '005 (see fig. 2A, elements 34 and 26). s 18-31). Line of sight indicates direct link (without using the network infrastructure). The system can be used as vehicle security (see col. 7, line 54-col. 8, line 14).

a controller positioned at the vehicle, said controller identifying the unique identification code of a cellular telephone so that the cellular telephone is an authorized cellular telephone and controlling at least one vehicle function responsive to signals received from the authorized cellular telephone reads on '005 (see col. 2, line 61-col. 3, line 12; col.5, line 40-col. 6, line 31). The Pinzon reference discloses a controller that receives a signal from a remote transmitter and extracts code which when matched with a stored code locks/unlocks a car door wherein the code includes a pass word for identifying an authorized user (see col. 6, line 55-col. 7, line 11). But, Pinzon does not explicitly teach about a controller that can be switched between a learning mode and an operating mode, as claimed by applicant. However, in a related field of endeavor, Christenson teaches about a remote control receiver that can be switched into operational and a programming mode to perform authentication

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and programming functions respectively (see col. 2, lines 13-52; col. 3, lines 17-67; col. 4, lines 6-.45). The teaching here is that a controller can be switched into two separate modes perform two related functions. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching of Pinzon with that of Christenson for the advantage of allowing a user to get response from the remote/controller (see col. 1, lines 3-8).

**As per claim 2:** a vehicle remote control system, wherein said controller cooperates with said receiver to learn the unique identification code of the cellular telephone by wireless reception from the cellular telephone reads on '005 (see col. 2, line 61-col. 3, line 22).

**As per claim 5:** a vehicle remote control system, further comprising an electrical connector coupled to said controller and cooperating therewith to permit said controller to interface with the cellular telephone to learn the unique identification code of the cellular telephone reads on '005 (see col. 2, line 61-col. 3, line 22; col. 6, line 55-col. 7, line 11).

**As per claim 6:** a vehicle remote control system, wherein said controller comprises a security controller switchable between armed and disarmed modes; and wherein the at least one vehicle function comprises switching between armed and disarmed modes reads on '005 (see col. 7, lines 54-67). When the references are combined as shown in the rejection of claim 1, the controller would be switchable as provided by Christenson.

**As per claim 7:** a vehicle remote control system, wherein said controller comprises a door lock controller; and wherein the at least one vehicle function comprises locking or unlocking at least one vehicle door reads on '005 (see col. 7, line 54-col. 8, line 24).

**As per claim 8:** a vehicle remote control system, wherein said controller comprises an engine starting controller; and wherein the at least one vehicle function comprises starting a vehicle engine reads on '005 (see col. 7, line 54-col. 8, line 8).

**As per claim 9:** a vehicle remote control system, further comprising a user operable switch connected to said controller; and wherein said controller is switchable to the learning mode responsive to said user operable switch reads on '090 (see col. 2, lines 13-52).

**As per claim 10:** a vehicle remote control system, further comprising a user operable switch connected to said controller; wherein said controller is connected to at least one vehicle device; and wherein said controller is switchable to the learning mode responsive to said user operable switch and responsive to at said at least one vehicle device reads on '090 (see col. 2, lines 13-52). When the references are combined as discussed above, Christenson' switch would be able to operate on the controller into two different modes.

**As per claim 11:** a vehicle remote control system, wherein said controller is selectively responsive to less than seven digit command codes from the authorized cellular telephone reads on '005 (see col. 7, lines 3-10). Four digit is less than seven.

**As per claim 12:** the features of claim 12 are similar to that of claim 1, except one difference as provided below.

an electrical connector coupled to said controller and cooperating therewith to permit said controller to interface with the cellular telephone to learn the unique identification code of the cellular telephone reads on '005 (see fig. 2A, element 23; col. 5, line 64-col. 6, line 31). Hence, claim 12, is rejected on the same ground and motivation as claim 1.

**As per claim 14:** a vehicle remote control system, wherein said controller comprises a security controller switchable between armed and disarmed modes; and wherein the at least one vehicle function comprises switching between armed and disarmed modes reads on '005 (see col. 7, lines 54-67).

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**As per claim 15:** a vehicle remote control system, wherein said controller comprises a door lock controller; and wherein the at least one vehicle function comprises locking or unlocking at least one vehicle door reads on '005 (see col. 7, line 54-col. 8, line 24).

**As per claim 16:** a vehicle remote control system, wherein said controller comprises an engine starting controller; and wherein the at least one vehicle function comprises starting a vehicle engine reads on '005 (see col. 7, line 54-col. 8, line 8).

**As per claim 17:** a vehicle remote control system, further comprising a user operable switch connected to said controller; and wherein said controller is switchable to the learning mode responsive to said user operable switch reads on "090 (see col. 2, lines 13-52).

**As per claim 18:** most of the features of claim 18 are similar the features of claim 1, except one difference as provided below.

said controller cooperating with said receiver to learn the unique identification code of the cellular telephone by wireless reception from the cellular telephone reads on '005 (see col. 2, line 61-col. 3, line 22; col. 6, line 55-col. 8, line 11).

**As per claim 19:** a vehicle remote control system, wherein said controller comprises a security controller switchable between armed and disarmed modes; and wherein the at least one vehicle function comprises switching between armed and disarmed modes reads on '005 (see col. 7, lines 54-67).

**As per claim 20:** a vehicle remote control system, wherein said controller comprises a door lock controller; and wherein the at least one vehicle function comprises locking or unlocking at least one vehicle door reads on '005 (see col. 7, line 54-col. 8, line 24).

**As per claim 21:** a vehicle remote control system, wherein said controller comprises an engine starting controller; and wherein the at least one vehicle function comprises starting a vehicle engine reads on '005 (see col. 7, line 54-col. 8, line 8).

**As per claim 22:** a vehicle remote control system, further comprising a user operable switch connected to said controller; and wherein said controller is switchable to the learning mode responsive to said user operable switch reads on "090 (see col. 2, lines 13-52).

**As per claim 23:** claim 23 is directed to operating a remote control system comprising a cellular telephone for transmitting a user input command code and a unique identification directly (without using the network) to a remote control signal receiver position at a vehicle which reads on '005 (see col. 2, line 61-col. Col. 3, line 22; col. 5, line 54-col. 6, line 31; col. 6, line 55-col. 8, line 24). Pinzon's pass word is equivalent to claimed unique identification code. But, Pinzon does not explicitly teach about a controller that can be switched between a learning mode and an operating mode, as claimed by applicant. However, in a related field of endeavor, Christenson teaches about a remote control receiver that can be switched into operational and a programming mode to perform authentication and programming functions respectively (see col. 2, lines 13-52; col. 3, lines 17-67; col. 4, lines 6-.45). The teaching here is that a controller can be switched into two separate modes perform two related functions. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching of Pinzon with that of Christenson for the advantage of allowing a user to get response from the remote/controller (see col. 1, lines 3-8).

**As per claim 24:** a method, wherein the controller cooperates with the receiver to learn the unique identification code of the cellular telephone by wireless reception from the cellular telephone reads on '005 (see col. 2, line 61-col. 3, line 22).

**As per claim 27:** a method, further comprising using an electrical connector coupled to the controller and cooperating therewith to permit the controller to interface with the cellular telephone to learn the unique identification code of the cellular telephone reads on '005 (see col. 2, line 61-col. 3, line 22; col. 6, line 55-col. 7, line 11).

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**As per claim 28:** a method, wherein the controller comprises a security controller switchable between armed and disarmed modes; and wherein the at least one vehicle function comprises switching between armed and disarmed modes reads on '005 (see col. 7, lines 54-67). When the references are combined as shown in the rejection of claim 1, the controller would be switchable as provided by Christenson.

**As per claim 29:** a method, wherein the controller comprises a door lock controller; and wherein the at least one vehicle function comprises locking or unlocking at least one vehicle door reads on '005 (see col. 7, line 54-col. 8, line 24).

**As per claim 30:** a method, wherein the controller comprises an engine starting controller; and wherein the at least one vehicle function comprises starting a vehicle engine reads on '005 (see col. 7, line 54-col. 8, line 8).

**As per claim 31:** a method, further comprising a user Operable switch connected to the controller; and wherein the controller is switchable to the learning mode responsive to the user operable switch reads on '090 (see col. 2, lines 13-52).

**As per claim 32:** a method, wherein the controller is selectively responsive to less than seven digit command codes from the authorized cellular telephone reads on '005 (see col. 7, lines 3-10). Four digits is less than seven.

Claims 4, 13 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinzon in view of Christenson as applied to claims 1, 2, 18 and 23 above, and further in view of Fathauer et al. (US 3,821,651).

**As per claim 4:** but, the above references do not teach about a receiver that comprises a frequency scanning receiver for scanning available transmit frequencies of the authorized cellular telephone, as claimed by applicant. However, in a related field of endeavor, Fathauer teaches about a scan control circuit for use in a signal seeking radio receiver for automatically and sequentially tuning to a plurality of predetermined radio frequencies (see col. 1, line 56-col. 2, line 68). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to further modify the above references with the teaching Fathauer for the advantage of preventing the receiver from being locked onto selected channels (see col. 1, lines 49-55).

tuning the receiver to a plurality of predetermined radio channels and preventing

**As per claim 13:** the feature of claim 13 is same as that of claim 4. Hence, claim 13 is rejected on the same ground and motivation as claim 4.

**As per claim 26:** the feature of claim 26 is same as that of claim 4. Hence, claim 26 has been rejected on the same ground and motivation as claim 4.

### ***Allowable Subject Matter***

Claims 3 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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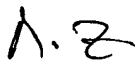
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N Zewdu whose telephone number is (703) 306-5418. The examiner can normally be reached on 8:30 am to 5:00 pm..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Meless Zewdu



Examiner



WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

30 April 2004.